



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Kathleen Nylund Jackson Examiner: Laneau, Ronald
Serial No. 10/615,348 Group Art Unit: 3714
Filed: July 8, 2003 Docket No. 312.004US1
Title: MULTIPLE PLAY REEL SLOT SYSTEM

MAIL STOP APPEAL BRIEF - PATENTS

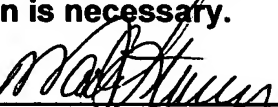
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

The following documents are hereby submitted:

- ☒ Appeal Brief Before the Board of Patent Appeals and Interferences of the United States Patent and Trademark Office (22 pages)
- ☒ Authorization to withdraw \$255.00 to cover Appeal Brief Fee of a small entity
- ☒ Transmittal Sheet
- ☒ Return Postcard

Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers if an additional extension of time is deemed necessary by the Office. Authorization is hereby given to charge Deposit Account Number 50-1391 if such additional extension is necessary.

MARK A. LITMAN & ASSOCIATES, P.A.
York Business Center, Suite 205, 3209 W. 76th St.
Edina, MN 55435 (952-832-9090)

By: 
Atty: Mark A. Litman
Reg. No. 26,390

I hereby certify that this correspondence is being sent by facsimile transmission or deposited with the United States Postal Service as first class mail in an envelope address to Mail Stop APPEAL BRIEF - PATENTS, Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on 9 October 2007

Mark A. Litman
Name


Signature



AK/IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Applicant:	Kathleen Nylund Jackson	Examiner:	Laneau, Ronald
Serial No.	10/615,348	Group Art Unit:	3714
Filed:	July 8, 2003	Docket No.	312.004US1
Title:	MULTIPLE PLAY REEL SLOT SYSTEM		

MAIL STOP: APPEAL BRIEF - PATENTS

P.O. BOX 1450

Commissioner for Patents

Alexandria, VA 22313-1450

Sir:

The U.S. Patent and Trademark Office is hereby authorized to debit any costs and fees associated with this Petition to Deposit Account No. 50-1391. Appellant(s) is submitting this single copy of the Appeal Brief in Compliance with the requirements of 37 CFR 41.37(c). **This BRIEF ON APPEAL is being filed in response to the FINAL Office Action mailed on 9 JULY 2007.** Appellant requests a personal appearance at the Board of Appeals, but will defer payment of the fee until after receipt of the Examiner's Amendment.

CERTIFICATE UNDER 37 C.F.R. 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described herein, are being deposited in the United States Postal Service, as first class mail, with sufficient postage, in an envelope addressed to: MAIL STOP: APPEAL BRIEF - PATENTS, P.O. BOX 1450, Commissioner for Patents, Alexandria, VA 22313-1450 9 OCTOBER 2007

Mark A. Litman
Name


Signature

10/11/2007 EHAILE1 00000030 501391 10615348
01 FC:2402 255.00 DA

TABLE OF CONTENTS

1. Real party in interest	page(s)	3
2. Related appeals and interferences	page(s)	4
3. Status of claims	page(s)	5
4. Status of amendments	page(s)	6
5. Summary of claimed subject matter	page(s)	7-8
6. Grounds of rejection to be reviewed on appeal	page(s)	9
7. Argument	page(s)	10-16
8. Claims appendix	page(s)	17-20
9. Evidence appendix	page(s)	21
10. Related proceedings appendix	page(s)	22

REAL PARTY IN INTEREST

The real party in interest in this Appeal is the assignee of the full right, title and interest in this Application, Precedent Gaming, Inc., having a place of business at 51 Williamsburg Lane, Scituate, MA 02066.

RELATED APPEALS AND INTERFERENCES

The Appellant(s), the legal representative prosecuting this application and Appeal, and the assignee are not aware of any Appeals or Interferences that will directly affect or have a bearing on the Board's of Patent Appeals and Interferences decision in this pending Appeal.

STATUS OF CLAIMS

Claims 1-17 and 19-21, all the claims remaining in the Application have been finally rejected.

Claim 18 has been voluntarily canceled.

STATUS OF AMENDMENTS

No Amendments to the claims or specification were submitted after the Final Rejection.

All amendments to the claims submitted before Final Rejection have been entered without objection.

SUMMARY OF CLAIMED SUBJECT MATTER

INDEPENDENT CLAIM 1

A method of playing a wagering game comprising: (Page 6, lines 11-17)

a player placing a wager in a gaming machine, , (Page 6, lines 29-31)

the gaming machine having more than one symbol display system comprising a first symbol display area and at least a second symbol display area; (Page 9, lines 1-4)

the first symbol display area and the at least a second display area displaying a plurality of symbols that are used to determine winning events; (Page 8, lines 8-16)

the first display area providing at least one first symbol; (Page 8, lines 8-16;

Original Claim 1)

automatically providing that at least one first symbol to the at least second display area; (Page 9, lines 9-12)

independently and randomly completing symbol display for each of the first display area and the at least second display area; and (Page 8, lines 12-17)

determining if winning events are present in the first display area and the at least second display area. (Page 9, lines 27-29)

INDEPENDENT CLAIM 21

A method of playing a wagering game comprising: (Page 6, lines 11-17)

a player placing a wager in a gaming machine, (Page 6, lines 29-31)

the gaming machine having more than one symbol display system comprising a first symbol display area and at least a second symbol display area; (Page 9, lines 1-4)

the first symbol display area and the at least a second display area displaying a plurality of symbols that are used to determine winning events; (Page 8, lines 8-16)

the first display area providing at least one first symbol of the plurality of symbols; (Page 8, lines 8-16)

always providing that at least one first symbol to the at least second display area as a portion of symbols to be displayed in the second display area; (Page 9, lines 9-12)

independently and randomly completing symbol display for each of the first display area and the at least second display area, the completion of symbols in the second

display area occurring after providing the at least one symbol to the at least second display area; (**Page 8, lines 12-17**) and

determining if a winning event is present in the first display area and determining if an independent winning event is present in the at least second display area. (**Page 9, lines 27-29**)

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

Solely for the purposes of expediting this Appeal and complying with the requirements of 37 C.F.R. 1.192(c)(7), the following grouping of claims is presented. This grouping is not intended to constitute any admission on the record that claims within groups may or may not be independently asserted in subsequent litigation or that for any judicial determination other than this Appeal, the claims may or may not stand by themselves against any challenge to their validity or enforceability.

- 1) Claims 1-21 [actually claims 1-17 and 18-21] have been rejected under 35 USC 102(e) as anticipated by US Patent Application 2004/0053673 A1 (Mishra)

The statement of the rejection in the Final Office Action mailed 9 July 2007 is in error as claim 18 was canceled prior to the Final Office Action in the Amendment filed 16 April 2007.

This is the sole issue raised in the Office Action.

ARGUMENT

RESPONSE TO THE OFFICE ACTION

- 1) Claims 1-20 have been rejected under 35 USC 102(e) as anticipated by US Patent Application 2004/0053673 A1 (Mishra).

It is respectfully submitted that the rejection does not show a clear understanding of either the play of the recited game or of the play of the Mishra game. The statements made in the “Response to Arguments” have little bearing on the **actual issues or actual limitations** in this rejection.

Mishra’s invention selects symbols from a symbol set, the symbols being displayed in a first array. An award is provided if the symbols in the first array match a predetermined combination. A second array of (at least) one symbol selected from the same symbol set is also presented in a second array. If the symbol in the second array matches a symbol in the first array, an award is provided.

Our invention **as claimed** duplicates one symbol from a first array (**NOT THE SYMBOL SET**, but the ARRAY) into at least a second array. Additional symbols are provided to each array (the first array and the second array), and awards are provided for predetermined winning combinations of symbols **within each independently evaluated array** (**NOT MATCHING A SYMBOL FROM ONE ARRAY TO THE OTHER**). Our invention allows the player to make multiple bets to play multiple same games at once, therefore increasing the amount of monies wagered and the amount of profit for the casinos. Playing multiple games at once increases player anticipation and excitement, therefore attracting new players and/or keeping players at the machine for longer periods of time, thereby again adding to the casinos revenues.

NOTE THE SPECIFIC AND ABSOLUTELY CLEAR STATEMENT OF THIS GAME PLAY PROCESS IN THE THIRD FROM LAST PARAGRAPH AND THE LAST TWO PARAGRAPHS OF CLAIM 1:

“...automatically providing that at least one first symbol to the at least second display area;”

Mishra does not automatically provide any symbols from the at least one symbol display to the at least one symbol display, but randomly selects a symbol from the set and puts the randomly selected symbol into the second display.

The present invention then requires the steps of:

“...independently and randomly completing symbol display for each of the first display area and the at least second display area; and determining if winning events are present in the first display area and the at least second display area.”

Mishra provides a complete symbol display in the first area, then provides a complete symbol display in the second area, and then compares the symbols displayed in the first symbol display to the symbols displayed in the second symbol display to provide a match. This is totally different from the recited process steps. Mishra has complete the second symbol display immediately and cannot be practices as **completing the second display area which was partially filled by selecting a symbol from the first display area**.

The rejection asserts that “...the system of Mishra is capable of providing symbols to the second display as needed and said symbols are randomly displayed by the game.” (Page 5, lines 9-11, Final Action). This statement has no bearing on the limitations in the claim or the issues raised by Applicant in the response.

Mishra does not perform a step of “...automatically providing that at least one first symbol [**from the first display**] to the at least second display area...” Mishra randomly selects a symbol from the symbol set (not the first array). If Mishra did that, the game would be played with a **winning event always occurring in Mishra**. This is because the winning event in Mishra is matching a symbol in the first display with a symbol in the first display. As claim 20 requires that the second display contain a symbol selected from the first array, this would lead to the absurd event in Mishra (according to the interpretation placed on it by the rejection) that the player would win in every event since there must be (according to claim 20) a symbol in the second display that matches at least one symbols in the first display.

**THE ABOVE SHOWS THAT THE READING OF CLAIM 20 IS IN
ERROR AND THAT IT CANNOT BE TAUGHT BY THE MATCH SYMBOL
EVENT OF MISHRA.**

The following table literally compares the disclosure of Mishra with the claim language of this application (beginning with Claim 1) to show the fact that the claimed subject matter is not anticipated.

CLAIM 1	MISHRA	COMMENTS
A method of playing a wagering game comprising:	SAME	
a player placing a wager in a gaming machine,	SAME	
the gaming machine having more than one symbol display system comprising a first symbol display area and at least a second symbol display area;	The apparatus may have a housing with a microprocessor, a first gaming display that displays at least one symbol from a first set of symbols, wherein predetermined symbol displays provide a first award. There is also a second gaming display that coincidentally displays at least one separate symbol selected from among symbols within the first set of symbols.	SAME
the first symbol display area and the at least a second display area displaying a plurality of symbols that are used to determine winning events;	a first gaming display that displays at least one symbol from a first set of symbols, The first symbols are used in determining winning events.	SAME
the first display area providing at least one first symbol;	a first gaming display that displays at least one symbol from a first set of symbols,	SAME
automatically providing that at least one first symbol to the at least second display area;	“...second gaming display that coincidentally displays at least one <u>separate symbol selected from among symbols within the</u>	The claim requires that an actual symbol from the first area be transposed to the second area. Mishra clearly provides symbols to the second area, which can only randomly be similar to the first symbols, by a

	<u>first set of symbols.</u> Abstract (<u>emphasis</u> added)	random and “separate symbol select[ion]..” THAT TEACHING OF MISHRA IS IN CONTRAST TO CLAIM 1 THAT REQUIRES at least one first symbol be provided to the second display. This limitation of Claim 1 is a process requirement, not a circumstantial event.
independently and randomly completing symbol display for each of the first display area and the at least second display area; and	Mishra randomly provides all symbols in the first display area, but there is only a single symbol in the second display area.	It is impossible to provide a first and only symbol in the second display area and then complete the symbol display as a separate step as recited in this claim. To complete the first symbol, additional symbols must be provided and Mishra discloses single matching symbol displays.
determining if winning events are present in the first display area and the at least second display area.	Mishra determines a winning event in the first display area and then must compare the single symbol in the second area with the first area to determine if a winning event occurs.	Mishra cannot have a winning event in only the second area, but must combine analysis of the symbols in both areas to determine contribution to winning in the second display area.

As can be seen from the above description, there is a substantive difference between the disclosure of Mishra and the invention described in claim 1. It is clear that the term “matching symbol” disclosed by Mishra has been **misinterpreted** as automatically transposing a symbol first shown in a first display area to a second display area. That is an erroneous interpretation.

Claim 1 on Appeal requires that a first symbol displayed in the first display area must be **uplicated and transported and** displayed in the second display area. This is impossible in Mishra, as this would require that every event played under the rules of Mishra would be a winning event. One winning event in Mishra is the random

appearance of a matching symbol in the second display to an original random symbol in a set of symbols in a first display. If Mishra were to perform the step required in Claim 1 on Appeal:

“...automatically providing that at least one first symbol to the at least second display area;...”

there would then always be a matching symbol in the first display area and the second display area. All events in the Mishra process would then be a winning event. Mishra does not **and cannot** perform this limitation of the claim without destroying the element of chance in the game of Mishra and turning the video gaming machine into an ATM that would always pay the player without even debiting an account. It can be seen by this analysis that it is an absolute impossibility to interpret the disclosure of Mishra as anticipating the subject matter of Claim 1.

Even if there were some mechanism by which the first symbol of Mishra is subsequently provided to the second display area (**which has been shown to be absurd in the analysis directly above**), the performance of that event would not enable practice of the next step recited in the claim, which is required to be in a sequence after providing the first symbol to the second display area:

“...independently and randomly completing symbol display for each of the first display area and the at least second display area; and...”

There is no random completion of symbols in the second area after the first symbol has been provided to the second display area. This is clear as there is **absolutely no** further completion of symbols in the second area as the bonus matching symbol is provided as a single step. In fact, the preferred embodiment of Mishra is to keep the second display area active (no symbol disclosed) until the entire first complete set of symbols has been shown (**Abstract, Mishra**).

As every claim in the application (except claim 21) is dependent from claim 1, and as claim 1 is clearly not anticipated, and every dependent claim (claims 2-18 and 19-20) is narrower in scope than claim 1 as a matter of regulations, no dependent claim can be anticipated according to the rejection of record.

Claim 21 includes each and every limitation of claim 1 and further limitations that show novelty over the teachings of Mishra.

A method of playing a wagering game comprising:

a player placing a wager in a gaming machine,

the gaming machine having more than one symbol display system comprising a first symbol display area and at least a second symbol display area;

the first symbol display area and the at least a second display area

displaying a plurality of symbols that are used to determine winning events;

the first display area providing at least one first symbol of the plurality of symbols;

always providing that at least one first symbol to the at least second display area as a portion of symbols to be displayed in the second display area;

independently and randomly completing symbol display for each of the first display area and the at least second display area, the completion of symbols in the second display area occurring after providing the at least one symbol to the at least second display area; and

determining if a winning event is present in the first display area and determining if an independent winning event is present in the at least second display area.

As can be seen from the **highlighred** portions of claim 21, all of the limitations argued with respect to Claim 1 are present in Claim 21, and claim 21 uses additional language therein “such as the recitation of “**always**” in the first highlighted phrase to further establish novelty over Mishra.

The rejection of record is clearly in error and must be REVERSED.

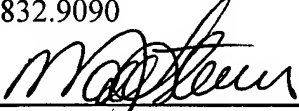
CONCLUSION

All rejections of record have been shown in detail to be in error. The rejection should be reversed and all claims should be indicated as allowable.

Applicants believe the claims are in condition for allowance and request reconsideration of the application and allowance of the claims. The Examiner is invited to telephone the below-signed attorney at 952-832-9090 to discuss any questions that may remain with respect to the present application.

Respectfully submitted,
Kathleen Jackson
By Her Representatives,
MARK A. LITMAN & ASSOCIATES, P.A.
York Business Center, Suite 205
3209 West 76th Street
Edina, MN 55435
(952)832.9090

Date 9 OCTOBER 2007 By



Mark A. Litman
Reg. No. 26,390

I hereby certify that this correspondence is being sent by facsimile transmission or deposited with the United States Postal Service as first class mail in an envelope addressed to Box: APPEAL BRIEF - PATENTS, P.O. BOX 1450; Commissioner for Patents, Alexandria, VA 22313-1450 on 9 OCTOBER 2007.

Name: Mark A. Litman



Signature

CLAIMS APPENDIX

1. (ORIGINAL) A method of playing a wagering game comprising:
 - a player placing a wager in a gaming machine,
 - the gaming machine having more than one symbol display system comprising a first symbol display area and at least a second symbol display area;
 - the first symbol display area and the at least a second display area displaying a plurality of symbols that are used to determine winning events;
 - the first display area providing at least one first symbol;
 - automatically providing that at least one first symbol to the at least second display area;
 - independently and randomly completing symbol display for each of the first display area and the at least second display area; and
 - determining if winning events are present in the first display area and the at least second display area.
2. (ORIGINAL) The method of playing a wagering game according to claim 1 wherein the player has the option of placing wagers on the at least second display area or not placing a wager on the at least second display area.
3. (ORIGINAL) The method of claim 1 wherein when a player selects a total amount to be wagered in a round of games, the wagers are distributed automatically among the first display area and the at least one second display area.
4. (ORIGINAL) The method of claim 3 wherein when the total amount wagered is not evenly divisible by a total number of second display areas wagered upon, wagers are automatically distributed among display areas, with a maximum difference in wagers or different display area allowed.
5. (ORIGINAL) The method of claim 4 wherein the maximum difference is one minimum wagering unit.

6. (ORIGINAL) The method of claim 5 wherein the first display area is required to have a wager placed thereon that is no smaller than any wager placed on any other display area.

7. (ORIGINAL) A video gaming apparatus comprising a housing, processor, and video display, the gaming apparatus having hardware and software enabling practice of the method of claim 1.

8. (ORIGINAL) A video gaming apparatus comprising a housing, processor, and video display, the gaming apparatus having hardware and software enabling practice of the method of claim 2.

9. (ORIGINAL) A video gaming apparatus comprising a housing, processor, and video display, the gaming apparatus having hardware and software enabling practice of the method of claim 3.

10. (ORIGINAL) A video gaming apparatus comprising a housing, processor, and video display, the gaming apparatus having hardware and software enabling practice of the method of claim 4.

11. (ORIGINAL) A video gaming apparatus comprising a housing, processor, and video display, the gaming apparatus having hardware and software enabling practice of the method of claim 5.

12. (ORIGINAL) A video gaming apparatus comprising a housing, processor, and video display, the gaming apparatus having hardware and software enabling practice of the method of claim 6.

13. (ORIGINAL) The method of claim 1 wherein a player selects a bonus event related to symbols or events that may occur in any symbol display area and the appearance of predetermined events in any of the symbol display areas cause a bonus event to occur in

which the selected bonus event provides a bonus when the selected bonus event has a predetermined relationship to specific predetermined events.

14. (ORIGINAL) The method of claim 1 wherein the selected bonus event comprises a generic category and the player or machine then makes a first selection of a species from within the generic category as an element of play in a bonus game.

15. (ORIGINAL) The method of claim 14 wherein after first selection of a species by the player, the machine makes a random second selection from among species.

16. (ORIGINAL) The method of claim 15 wherein predetermined relationships between the first selection and the second selection determine a bonus amount to be paid to the player.

17. (ORIGINAL) The method of claim 16 wherein there are more than one bonus awards available depending upon different predetermined relationships.

18. (CANCELLED)

19. (ORIGINAL) The method of claim 1 wherein a player selects a symbol prior to play of an underlying game that establishes an element of bonus play in the event that a player is awarded a bonus play in the play of the underlying game.

20. (ORIGINAL) The method of claim 20 wherein the bonus play includes random selection of species within a genus that is part of the symbol selected by the player.

21. (PREVIOUSLY PRESENTED) A method of playing a wagering game comprising:
a player placing a wager in a gaming machine,
the gaming machine having more than one symbol display system comprising a first symbol display area and at least a second symbol display area;

the first symbol display area and the at least a second display area displaying a plurality of symbols that are used to determine winning events;

the first display area providing at least one first symbol of the plurality of symbols;

always providing that at least one first symbol to the at least second display area as a portion of symbols to be displayed in the second display area;

independently and randomly completing symbol display for each of the first display area and the at least second display area, the completion of symbols in the second display area occurring after providing the at least one symbol to the at least second display area; and

determining if a winning event is present in the first display area and determining if an independent winning event is present in the at least second display area.

EVIDENCE APPENDIX

Neither Appellants nor their counsel in this Appeal are aware of any secondary or supplemental evidence submitted during the prosecution of this Application that must be considered by the Board of Patent Appeals in this decision.

RELATED PROCEEDINGS APPENDIX

Neither Appellants nor their counsel on this Appeal are aware of any proceedings before the US Patent and Trademark Office or any US Judicial or Quasi-Judicial authority that relates directly towards any issues in this Appeal.